

PTO/SB/98 (08-03)

Approved for use through 04/30/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Michael G. Cristofal

Application No./Patent No.: \_\_\_\_\_

Filed/Issue Date: October 29, 2003

\* claiming priority to

60/422,245October 29, 2002Entitled: METHOD FOR PROVIDING TRIGGERED EVENT COMMANDS VIA DIGITAL PROGRAM  
INSERTION SPLICINGACTV Inc.  
(Name of Assignee)Corporation  
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is 50 %

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
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3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.  
(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Oct. 29, 2003  
Date(415) 962-5110  
Telephone NumberTom Ewing  
Typed or printed nameTom Ewing  
SignatureChief Intellectual Property Officer  
Title

## JOINT INVENTION ASSIGNMENT

WHEREAS, I, Michael G. Cristofalo, of 407 Appian Way, Doylestown, Pennsylvania 18901, together with Steven Riedl, of 1580 Masters Court, Superior, CO 80027 have jointly invented certain new and useful improvements in a **SYSTEM AND METHOD FOR PROVIDING TRIGGERED EVENT COMMANDS VIA DIGITAL PROGRAM INSERTION SPLICING**, for which a provisional application for Letters Patent of the United States has been made, said provisional application may be identified in the United States Patent and Trademark Office (USPTO) by Serial No. \_\_\_\_\_ (serial number to be filled-in upon receipt of the same from the USPTO by attorneys with DORSEY & WHITNEY LLP), filed October 29, 2002, and further identified by attorney docket number 11005.00.

WHEREAS, Michael G. Cristofalo is an employee of ACTV, INC. and is under an contractual obligation to assign his entire right, title and interest in and to said invention, said application, and all intellectual property related thereto, including, but not limited to, any and all Letters Patents of any kind to be obtained therefor, to ACTV, INC.

WHEREAS, ACTV, INC. is a corporation organized and existing under the laws of the state of Delaware, country of the United States of America, and having a place of business at 233 Park Avenue South, 10<sup>th</sup> Floor, New York, New York 10003, United States of America, desires to acquire Michael Cristofalo's entire right, title and interest in and to said invention, said application, and all intellectual property related thereto, including, but not limited to, any and all Letters Patents of any kind to be obtained therefor;

WHEREAS, Steven Riedl is an employee of nCUBE and is under an obligation to assign his entire right, title and interest in and to said invention, said application, and all intellectual property related thereto, including, but not limited to, any and all Letters Patents of any kind to be obtained therefor, to nCUBE.

WHEREAS, nCUBE is a corporation organized and existing under the laws of the state of \_\_\_\_\_, country of the United States of America, and having a place of business at 1825 NW 167<sup>th</sup> Place, Beaverton, Oregon 97006, desires to acquire all of Steven Riedl's entire right, title and interest in and to said invention, said application, and all intellectual property related thereto, including, but not limited to, any and all Letters Patents of any kind to be obtained therefor;

WHEREAS, ACTV, INC. and nCUBE (hereinafter, the "ASSIGNEES") desire to jointly own said invention, said application, and all intellectual property related thereto, including, but not limited to, any and all Letters Patents of any kind to be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the sufficiency, adequacy and receipt of which are hereby acknowledged, I, Michael G. Cristofalo have sold, assigned and transferred, and by these presents do hereby sell, assign and transfer unto ACTV, Inc., its successors and assigns, my entire right, title and interest in and to the invention, the application and all intellectual property related thereto, including, but not limited to, all patent applications of any kind to be filed thereon, including all provisional, original, divisions, continuations,

reissues, renewals, and extensions thereof, all rights of priority resulting from the filing of any such applications, and all Letters Patent, both foreign and domestic, that may or shall issue therefrom, including all reissues or extensions of such patents, and including all of my individual rights under any international conventions (collectively "the Patent Rights").

I do hereby expressly acknowledge that Steven Riedl, co-inventor and joint owner of the aforesaid invention shall also sell, assign and transfer to nCUBE, his entire right, title and interest in and to the Patent Rights. Further, I expressly acknowledge that Steven Riedl's failure, for any reason, to so sell, assign and transfer his entire right, title and interest in and to the Patent Rights, shall in no manner affect the present transfer of my entire right, title and interest therein to ACTV, INC.

I do hereby authorize and request any official of any State whose duty includes issuing patents or other evidence or forms of industrial property protection, to issue the same on the invention, application and all intellectual property right related thereto jointly to the ASSIGNEES, their successors and assigns, in accordance herewith.

I further authorize said ASSIGNEES, their successors and assigns, or anyone they may singularly or jointly properly designate, to apply for Letters Patent, in the ASSIGNEES' names, if desired, in any and all foreign countries, and additionally to claim the filing date of any United States application and/or otherwise take advantage of the provisions of any international conventions.

I represent and warrant that I have the right and authority to execute this Assignment and to convey all my individual right, title, and interest in the Patent Rights; that I have not conveyed nor will convey hereafter all or part of the Patent Rights to any third party; and that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by me.

I do hereby covenant and agree with ASSIGNEES, their successors and assigns, that I have not executed, and will not execute, any writing, or do any act whatsoever, conflicting with these representations, and that I or my individual executors or administrators will at any time upon request, without further or additional consideration, but at the expense of the said ASSIGNEES, their successors and assigns, singularly or jointly, execute such additional writings and do such additional acts as said ASSIGNEES, their successors and assigns, singularly or jointly, may deem necessary or desirable to perfect for each of the ASSIGNEES, their enjoyment of this grant, render all necessary assistance in making applications for any intellectual property protection, including for obtaining provisional, original, divisional, continuation, reissued, renewal, or extended Letters Patent of the United States or of any and all foreign countries on the invention, application and all intellectual property rights related thereto, and assist in the enforcement of any rights resulting or arising as a result of such invention, applications or patents, including by giving testimony in any proceedings or transactions involving such applications or patents.



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INSERTION SPLICINGnCUBE  
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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

October 28, 2003

Date

503-629-5088

Telephone Number

Michael Pohl

Typed or printed name

Signature

President and CEO

Title

ASSIGNMENT

WHEREAS, I, Steven Riedl, of 1580 Masters Court, Superior, CO 80027, together with Michael G. Cristofalo, of 407 Appain Way, Doylestown, PA 18901, jointly made certain inventions or discoveries (or both) set forth in a Provisional Application for Letters Patent of the United States of America entitled **SYSTEM AND METHOD FOR PROVIDING TRIGGERED EVENT COMMANDS VIA DIGITAL PROGRAM INSERTION SPLICING**, the specification of which was filed on October 29, 2002, and which is identified by attorney docket number 11005.00 and Serial No. \_\_\_\_\_ (serial number to be filled in by the assignee when available).

WHEREAS, nCUBE Corporation, a corporation of the state of Delaware, and whose address is 1825 NW 167<sup>TH</sup> PL, Beaverton, Oregon 97006, and who, together with its successors and assigns is hereinafter called "Assignee", is desirous of acquiring Steven Riedl's entire right, title and interest together with the benefits and privileges hereinafter recited;

NOW, THEREFORE, for valuable consideration furnished by Assignee, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservation;

1. Assign, transfer and convey to Assignee my entire right, title and interest together with the benefits and privileges in and to said inventions and discoveries, said Provisional Application for Letters Patent and its subsequent conversion to Application for Letters Patent or similar forms of protection of the United States of America, and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and convention applications based in whole or in part upon said inventions or discoveries, or upon said application, and any and all Letters Patent, reissues and extensions of Letters Patent or similar forms of protection granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

2. Authorize Assignee to file patent applications in any or all countries or groups of countries on any or all of said inventions and discoveries in my name or in the name of Assignee or otherwise as Assignee may deem advisable;

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of my entire right, title and interest therein, or otherwise as Assignee may direct;

4. Warrant that I have not knowingly conveyed to others any rights in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that I have good right to assign the same to Assignee without encumbrance;

5. Bind my heirs, legal representatives and assigns, as well as myself, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to me or them, all acts reasonable serving to assure that said inventions and discoveries, said patent applications and said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by me, my heirs, legal representatives and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to me relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in my control or in the control of my heirs, legal representatives or assigns which may be useful for establishing any facts of our conceptions, disclosures, and reduction to practice of said inventions or discoveries.

IN TESTIMONY WHEREOF, Assignor has hereunto signed his name to this assignment on the date indicated below:

  
Steven Riedl


9/16/03  
date

STATE OF Colorado )  
COUNTY OF Jefferson ) ss.

On Sept. 16, 2003 before me, Karla Towne, Notary Public, personally appeared Steve Riedl, personally known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



Witness my hand and official seal.

  
Notary Public

SEAL

My Commission Expires 05/31/2006